

# **EXHIBIT 1**

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS**

**Case No. 4:21-CR-005-o-1**

**UNITED STATES OF AMERICA,**

*Plaintiff*

**v.**

**THE BOEING COMPANY,**

*Defendant.*

\_\_\_\_\_/

**AFFIDAVIT OF NAOISE RYAN REGARDING LACK OF  
CONFERRAL BY THE JUSTICE DEPARTMENT**

1. I, Naoise Ryan, do hereby declare that I am a citizen of Ireland. I make this declaration in connection with a secret deferred prosecution agreement between Boeing and the U.S. Government.
2. On March 10, 2019, I lost my beloved husband, Mick Ryan in the crash of a Boeing 737 MAX that was Ethiopian Airlines Flight 302.
3. I have been appointed Special Administrator and Special Representative of the Estate of my husband by the Probate Court in Chicago, Illinois.
4. Mick was a civil engineer for the United Nations. He saved thousands of lives through his work for the most vulnerable people in the world. In December 2020, Mick was posthumously named the Red Cross Humanitarian of the year 2020 for his work as Global Deputy Chief Engineer with the United Nations World Food Programme.
5. Our two young children and extended family have been through extreme trauma and grief since his death. He was our joy and our life. The world, our world, is a poorer place without him.
5. After the death of my husband, I was very interested in holding accountable all those who criminally caused his death, including Boeing. Through the course of 2020, I became aware of mounting evidence that Boeing was criminally responsible for the crash of Flight 302.
6. More than two years after the crash, we still do not have a full account of what happened and why, as Boeing continues to actively conceal the technical details, data and protocols of the

737 MAX. I believe that the corrupt and negligent culture at Boeing that gave rise to the two MAX crashes has not changed.

6. If the U.S. Justice Department had advised me of any right to confer with it about the crimes associated with the crash, I would have immediately and vigorously conferred with the Government and urged them to hold Boeing accountable to the full extent of U.S. criminal law. I would have explained why full prosecution was important to me, on behalf of my husband. By conferring with the Department, I would have hoped to have shaped the negotiations to move in a way that was transparent and reflected the concerns of victims' families.

7. I believe that Boeing should have been prosecuted for fraud after the first fatal crash in Indonesia in October 2018 which killed all 189 people on board. They knew this plane was defective and there would be further crashes and loss of life. After the second crash, they should have been tried and prosecuted for the manslaughter of 356 people.

8. I did not learn that Boeing was being given immunity for criminal prosecution until on and after January 7, 2021, when the Government announced its Deferred Prosecution Agreement with Boeing in a court filing that was, as I understand it, picked up and reported in the media. Because I did not learn of the Agreement until that time, I was never given any opportunity to present my views about it to the Justice Department at a time when my views could have shaped the Agreement.

9. The Justice Department has never given me any notice of its Deferred Prosecution Agreement with Boeing.

10. My understanding is that the Justice Department will provide notification of rights to victims of crimes, even during investigations of crimes. I have never received any notification of my rights as a representative of victims including my husband and our two children. At no point has the U.S. Justice Department ever advised me (as the representative of my family members) that I have rights under the Crime Victims' Rights Act in connection with any criminal case against Boeing.

11. I retained Paul Cassell as counsel on November 23, 2021 to assist me with filing a challenge to the Boeing DPA.

\* \* \* \* \*

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 6th day of December, 2021.

  
Naoise Ryan

# **EXHIBIT 2**

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS**

**Case No. 4:21-CR-005-o-1**

**UNITED STATES OF AMERICA,**

*Plaintiff*

**v.**

**THE BOEING COMPANY,**

*Defendant.*

\_\_\_\_\_ /

**AFFIDAVIT OF EMILY CHELANGAT BABU AND JOSHUA MWAZO BABU  
REGARDING LACK OF CONFERRAL BY THE JUSTICE DEPARTMENT**

1. We, Emily Chelangat Babu and Joshua Mwazo Babu, do hereby make this declaration in connection with the secret deferred prosecution agreement between Boeing and the U.S. Government.
2. On March 10, 2019, we lost our son, Jared Babu Mwazo, in the crash of a Boeing 737 MAX that was Ethiopian Airlines Flight 302.
3. Jared was 28 years old at the time of his death. Jared was a disciplined student and driven young professional who had taken the strategic helm of our family business and had a bright future as an entrepreneur. He was an integral part of our family. We are committed to holding those responsible for Jared's death accountable.
4. Jared was seated next to his wife, Mercy Ngami Ndivo, on Flight 302. They leave behind their four-year-old daughter, Emily Chelangat Babu.
5. We believe Jared's death was caused by Boeing's poor decisions in its design of the 737 MAX aircraft. We believe Boeing could have prevented the crash of Ethiopian Airlines Flight 302 and our son's death. We believe that Boeing deceived the FAA as to the strength and capability of the system that caused the MAX crashes. We were happy to learn that a criminal investigation into the company was underway and were eager to see those responsible brought to justice, but

we do not believe the deferred prosecution agreement holds Boeing to account for these transgressions.

6. At no point has the U.S. Justice Department ever advised us that we have rights under the Crime Victims' Rights Act in connection with its criminal case against Boeing.

7. If the U.S. Justice Department had advised us of any right to confer with it about the crimes associated with the crash, we would have immediately conferred with the Government and urged them to hold Boeing accountable to the full extent of U.S. criminal law. We would have pointed out that the Boeing employees whose conduct form the basis of the Deferred Prosecution Agreement were acting in furtherance of Boeing program goals, set at the highest levels of the company. We would have explained why full prosecution was important to us and our family and that it would assist to lessen the difficulty of the grieving process. By conferring with the Department, we would have hoped to have shaped the negotiations to move in a way that was transparent and reflected the concerns of victims' families.

8. We did not learn about the Deferred Prosecution Agreement and that Boeing was being given immunity for criminal prosecution until on and after January 7, 2021, when the Government announced its Deferred Prosecution Agreement with Boeing in a court filing. Because we did not learn of the Agreement until that time, we were never given any opportunity to present our views about it to the Justice Department at a time when our views could have shaped the Agreement.

9. On December 9, 2021, we retained attorney Paul Cassell to assist with a challenge to the Deferred Prosecution Agreement.

\* \* \* \* \*

I declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746(1), that the foregoing is true and correct.

Executed this 9th day of December 2021.

  
\_\_\_\_\_  
EMILY CHELANGAT BABU

  
\_\_\_\_\_  
JOSHUA MWAZO BABU

# **EXHIBIT 3**

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS**

**Case No. 4:21-CR-005-o-1**

**UNITED STATES OF AMERICA,**

*Plaintiff*

**v.**

**THE BOEING COMPANY,**

*Defendant.*

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**AFFIDAVIT OF CATHERINE BERTHET REGARDING LACK OF CONFERRAL BY  
THE JUSTICE DEPARTMENT**

1. I, Catherine Berthet, do hereby make this declaration in connection with the secret deferred prosecution agreement between Boeing and the U.S. Government.
2. On March 10, 2019, I lost my daughter, Camille Geoffroy, in the crash of a Boeing 737 MAX that was Ethiopian Airlines Flight 302.
3. Camille was 28 years old at the time of her death. She was passionate about humanitarianism and was en route to an assignment in Kenya when the plane crashed. I am completely shattered by Camille's death. She was not only my daughter, but my friend and confidante. I am committed to holding those responsible for Camille's death accountable.
4. Camille also leaves behind her father, Olivier Geoffroy, and three brothers, César Blavet, Alfred Geoffroy, and Winston Geoffroy.
5. I believe Camille's death was caused by Boeing's poor decisions in its design of the 737 MAX aircraft. I believe Boeing could have prevented the crash of Ethiopian Airlines Flight 302 and my daughter's death. I believe that Boeing deceived the FAA as to the strength and capability of the system that caused the MAX crashes. I was happy to learn that a criminal investigation into the company was underway and was eager to see those responsible brought to justice, but I do not believe the deferred prosecution agreement holds Boeing to account for these transgressions.



6. At no point has the U.S. Justice Department ever advised me that I have rights under the Crime Victims' Rights Act in connection with its criminal case against Boeing.

7. If the U.S. Justice Department had advised me of any right to confer with it about the crimes associated with the crash, I would have immediately conferred with the Government and urged them to hold Boeing accountable to the full extent of U.S. criminal law. I would have pointed out that the Boeing employees whose conduct form the basis of the Deferred Prosecution Agreement were acting in furtherance of Boeing program goals, set at the highest levels of the company. I would have explained why full prosecution was important to me and my family and that it would assist to lessen the difficulty of the grieving process. By conferring with the Department, I would have hoped to have shaped the negotiations to move in a way that was transparent and reflected the concerns of victims' families.

8. I did not learn about the Deferred Prosecution Agreement and that Boeing was being given immunity for criminal prosecution until on and after January 7, 2021, when the Government announced its Deferred Prosecution Agreement with Boeing in a court filing. Because I did not learn of the Agreement until that time, I was never given any opportunity to present my views about it to the Justice Department at a time when my views could have shaped the Agreement.

9. On December 8, 2021, I retained attorney Paul Cassell to assist with a challenge to the Deferred Prosecution Agreement.

\* \* \* \* \*

I declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746(1), that the foregoing is true and correct.

Executed this 8<sup>th</sup> day of December 2021.

  
CATHERINE BERTHET

# **EXHIBIT 4**

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS**

**Case No. 4:21-CR-005-o-1**

**UNITED STATES OF AMERICA,**

*Plaintiff*

**v.**

**THE BOEING COMPANY,**

*Defendant.*

\_\_\_\_\_ /

**AFFIDAVIT OF HUGUETTE DEBETS REGARDING LACK OF  
CONFERRAL BY THE JUSTICE DEPARTMENT**

1. I, Huguette Debets, do hereby declare that I am a citizen of Rwanda and Belgium. I make this declaration in connection with a secret deferred prosecution agreement between Boeing and the U.S. Government.
2. On March 10, 2019, I lost the father of my two young children, Jackson Musoni in the crash of a Boeing 737 MAX that was Ethiopian Airlines Flight 302.
3. I have been appointed Special Administrator and Special Representative of the Estate of Jackson by the Probate Court in Chicago, Illinois.
4. Jackson was a graduate in International relations from the University of Johannesburg in South Africa. Jackson also had a master's degree in law and political science from Mount Kenya University in Rwanda and a second master's degree in International Cooperation and Humanitarian Aid from the Kalu Institute of Spain. He joined the International United Nations Volunteer program in 2014 and was stationed in camps located in both Kigeme and South Sudan, Darfur.
5. Jackson was always ready to go the extra mile to help those in a time of great need, especially children. Jackson counseled Congolese refugees arriving at Kigeme and South Sudan camps, where he identified and supported those who were especially vulnerable, among them children and survivors of sexual violence. His title at the time of the accident was UNV Associate Field Coordinator
6. Our two young children and extended family have been through extreme trauma and grief since his death. There are no words to explain the suffering and struggles that our family has experienced.

7. After the death of Jackson, I was very interested in holding accountable all those who criminally caused his death, including Boeing. Through the course of 2020, I became aware of mounting evidence that Boeing was criminally responsible for the crash of Flight 302.

8. More than two years after the crash, we still do not have a full account of what happened and why, as Boeing continues to actively conceal the technical details, data and protocols of the 737 Max. Their corrupt culture remains the same.

9. If the U.S. Justice Department had advised me of any right to confer with it about the crimes associated with the crash, I would have immediately and vigorously conferred with the Government and urged them to hold Boeing accountable to the full extent of U.S. criminal law. I would have explained why full prosecution was important to me, on behalf of Jackson. By conferring with the Department, I would have hoped to have shaped the negotiations to move in a way that was transparent and reflected the concerns of victims' families.

10. I believe that Boeing should have been prosecuted for fraud after the first fatal crash in Indonesia in October 2018 which killed all 189 people on board. They knew this plane was defective and there would be further crashes and loss of life. After the second crash, they should have been tried and prosecuted for the manslaughter of 356 people. Instead, they get away with a fine.

11. I did not learn that Boeing was being given immunity for criminal prosecution until on and after January 7, 2021, when the Government announced its Deferred Prosecution Agreement with Boeing in a court filing that was, as I understand it, picked up and reported in the media. Because I did not learn of the Agreement until that time, I was never given any opportunity to present my views about it to the Justice Department at a time when my views could have shaped the Agreement.

12. The Justice Department has never given me any notice of its Deferred Prosecution Agreement with Boeing. It is hard to put into words the effect of the news that Boeing will now get away with just paying a fine.

13. My understanding is that the Justice Department will provide notification of rights to victims of crimes, even during investigations of crimes. I have never received any notification of my rights as a representative of victim. At no point has the U.S. Justice Department ever advised me (as the representative of my family members) that I have rights under the Crime Victims' Rights Act in connection with any criminal case against Boeing.

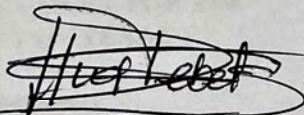
14. I retained Paul Cassell as counsel on December 1, 2021 to assist me with filing a challenge to the Boeing DPA.

\* \* \* \* \*

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge and belief.



Executed this 8th day of December, 2021.

  
Huguette Debets

UNITED STATES DISTRICT COURT

Plaintiff

v.

THE UNITED STATES OF AMERICA

Defendant

**ATTEST OF HUGUETTE DEBETS REGARDING LACK OF  
CONSENT BY THIS JUSTICE OF PEACE**

1. I, Huguette Debets, do hereby declare that I am a citizen of Rwanda and I make this declaration in connection with a secret defined permanent agreement between Debets and the U.S. Government.

2. On March 10, 2019, I lost the father of my two young children, Jackson, in the crash of a Boeing 737 MAX that was designated as being Flight 302.

3. I have been appointed Special Administrator and Special Representative of the Estate of Jackson by the Probate Court in Chicago, Illinois.

4. Jackson was a graduate in international relations from the University of Johannesburg in South Africa. Jackson also had a master's degree in law and political science from Maastricht University in the Netherlands and a second master's degree in international cooperation and humanitarian aid from the Kule Institute of Spain. He joined the International Undergraduate Volunteer program in 2014 and was stationed in camps located in both Kenya and South Sudan, Darfur.

5. Jackson was always ready to go the extra mile to help those in a time of great need, especially children. Jackson organized Congolese refugees arriving at Kakuma and Dadaab camps, where he identified and supported those who were especially vulnerable, among them widows and survivors of sexual violence. His title at the time of his accident was UNV Volunteer Field Coordinator.

6. Our two young children and extended family have been through horrific trauma and grief since his death. I use my own words to explain the suffering and strength that our family has experienced.

# **EXHIBIT 5**



**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS**

**Case No. 4:21-CR-005-o-1**

**UNITED STATES OF AMERICA,**

*Plaintiff*

**v.**

**THE BOEING COMPANY,**

*Defendant.*

**AFFIDAVIT OF BAYIHE DEMISSIE TEGEGN REGARDING LACK OF CONFERRAL  
BY THE JUSTICE DEPARTMENT**

1. I, Bayihe Demissie Tegegn, do hereby make this declaration in connection with the secret deferred prosecution agreement between Boeing and the U.S. Government.
2. On March 10, 2019, I lost my wife, Elsabet Minwuyelet Wubete, in the crash of a Boeing 737 MAX that was Ethiopian Airlines Flight 302. My wife was a flight attendant on Flight 302. She was relentless in her love for her family, with dedication to her husband and a commitment to seeing our young son grow and thrive. In addition to myself, she leaves behind her son, Mayawe Bayihe Demissie, who was less than one year old at the time of her death.
3. I believe my wife's death was caused by Boeing's poor decisions in its design of the 737 MAX aircraft. I believe Boeing could have prevented the crash of Ethiopian Airlines Flight 302 and my wife's death. I believe that Boeing deceived the FAA as to the strength and capability of the system that caused the MAX crashes. I was happy to learn that a criminal investigation into the company was underway and was eager to see those responsible brought to justice. I do not believe the deferred prosecution agreement holds Boeing to account for these transgressions.
4. At no point has the U.S. Justice Department ever advised me that I have rights under the Crime Victims' Rights Act in connection with its criminal case against Boeing.
5. If the U.S. Justice Department had advised me of any right to confer with it about the crimes associated with the crash, I would have immediately conferred with the Government and urged



them to hold Boeing accountable to the full extent of U.S. criminal law. I would have pointed out that the Boeing employees whose conduct form the basis of the Deferred Prosecution Agreement were acting in furtherance of Boeing program goals, set at the highest levels of the company. I would have explained why full prosecution was important to me and my family. By conferring with the Department, I would have hoped to have shaped the negotiations to move in a way that was transparent and reflected the concerns of victims' families.

6. I did not learn about the Deferred Prosecution Agreement and that Boeing was being given immunity for criminal prosecution until on and after January 7, 2021, when the Government announced its Deferred Prosecution Agreement with Boeing in a court filing. Because I did not learn of the Agreement until that time, I was never given any opportunity to present my views about it to the Justice Department at a time when my views could have shaped the Agreement.

7. On December 8, 2021, I retained attorney Paul Cassell to assist with a challenge to the Deferred Prosecution Agreement.

\* \* \* \* \*

I declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746(1), that the foregoing is true and correct.

Executed this 08 day of December 2021.

  
BAYIHE DEMISSIE TEGEN



# **EXHIBIT 6**

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS**

**Case No. 4:21-CR-005-o-1**

**UNITED STATES OF AMERICA,**

*Plaintiff*

**v.**

**THE BOEING COMPANY,**

*Defendant.*

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**AFFIDAVIT OF LUCA DIECI REGARDING LACK OF CONFERRAL BY THE  
JUSTICE DEPARTMENT**

1. I, Luca Dieci, do hereby make this declaration in connection with the secret deferred prosecution agreement between Boeing and the U.S. Government.
2. On March 10, 2019, I lost my brother, Paolo Dieci, in the crash of a Boeing 737 MAX that was Ethiopian Airlines Flight 302. Paolo was the President of the International Committee for the Development of Peoples, an Italian NGO committed to fighting poverty and inequality. He dedicated his life to promoting humanitarianism and international cooperation. I, my mother, Giuseppina Catarinella, and sister, Nella Dieci, mourn Paolo's loss, as do his wife, Maria Luisa Mattioli, and children, Giacomo Dieci, Cecilia Dieci, and Selamawit Nibert.
3. I believe Paolo's death was caused by Boeing's poor decisions in its design of the 737 MAX aircraft. I believe Boeing could have prevented the crash of Ethiopian Airlines Flight 302 and my brother's death. I believe that Boeing deceived the FAA as to the strength and capability of the system that caused the MAX crashes. I was happy to learn that a criminal investigation into the company was underway and was eager to see those responsible brought to justice. I do not believe the deferred prosecution agreement holds Boeing to account for these transgressions.
4. At no point has the U.S. Justice Department ever advised me that I have rights under the Crime Victims' Rights Act in connection with its criminal case against Boeing.

5. If the U.S. Justice Department had advised me of any right to confer with it about the crimes associated with the crash, I would have immediately conferred with the Government and urged them to hold Boeing accountable to the full extent of U.S. criminal law. I would have pointed out that the Boeing employees whose conduct form the basis of the Deferred Prosecution Agreement were acting in furtherance of Boeing program goals, set at the highest levels of the company. I would have explained why full prosecution was important to me and my family. By conferring with the Department, I would have hoped to have shaped the negotiations to move in a way that was transparent and reflected the concerns of victims' families.

6. I did not learn about the Deferred Prosecution Agreement and that Boeing was being given immunity for criminal prosecution until on and after January 7, 2021, when the Government announced its Deferred Prosecution Agreement with Boeing in a court filing. Because I did not learn of the Agreement until that time, I was never given any opportunity to present my views about it to the Justice Department at a time when my views could have shaped the Agreement.

7. On December 8, 2021, I retained attorney Paul Cassell to assist with a challenge to the Deferred Prosecution Agreement.

\* \* \* \* \*

I declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746(1), that the foregoing is true and correct.

Executed this 8th day of December 2021.

*Luca Dieci*

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LUCA DIECI

# **EXHIBIT 7**

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS**

**Case No. 4:21-CR-005-o-1**

**UNITED STATES OF AMERICA,**

*Plaintiff*

**v.**

**THE BOEING COMPANY,**

*Defendant.*

**AFFIDAVIT OF SRI HARTATI REGARDING LACK OF  
CONFERRAL BY THE JUSTICE DEPARTMENT**

1. I, Sri Hartati, do hereby declare that I am a citizen of Indonesia. I make this declaration in connection with a secret deferred prosecution agreement between Boeing and the U.S. Government.
2. On October 29, 2018, I lost my beloved husband, Eryanto in the crash of a Boeing 737 MAX that was Lion Air Flight JT610.
3. I have been appointed Special Administrator and Special Representative of the Estate of my husband by the Probate Court in Chicago, Illinois.
4. Eryanto was a civil engineer and worked as the Sub-Director for the Indonesian Government Planning Agency in Bangka.
5. Our three young children and extended family have been through extreme trauma and grief since his death. He was our joy and our life.
5. After the death of my husband, I was very interested in holding accountable all those who criminally caused his death, including Boeing. Through the course of 2020, I became aware of mounting evidence that Boeing was criminally responsible for the crash of Flight 302.
6. More than three years after the crash, we still do not have a full account of what happened and why, as Boeing continues to actively conceal the technical details, data and protocols of the 737 MAX. I believe that the corrupt and negligent culture at Boeing that gave rise to the two MAX crashes has not changed.

6. If the U.S. Justice Department had advised me of any right to confer with it about the crimes associated with the crash, I would have immediately and vigorously conferred with the Government and urged them to hold Boeing accountable to the full extent of U.S. criminal law. I would have explained why full prosecution was important to me, on behalf of my husband. By conferring with the Department, I would have hoped to have shaped the negotiations to move in a way that was transparent and reflected the concerns of victims' families.

7. I believe that Boeing should have been prosecuted for fraud after the first fatal crash in Indonesia in October 2018 which killed all 189 people on board. They knew this plane was defective and there would be further crashes and loss of life. After the second crash, they should have been tried and prosecuted for the manslaughter of 356 people.

8. I did not learn that Boeing was being given immunity for criminal prosecution until on and after January 7, 2021, when the Government announced its Deferred Prosecution Agreement with Boeing in a court filing that was, as I understand it, picked up and reported in the media. Because I did not learn of the Agreement until that time, I was never given any opportunity to present my views about it to the Justice Department at a time when my views could have shaped the Agreement.

9. The Justice Department has never given me any notice of its Deferred Prosecution Agreement with Boeing.

10. My understanding is that the Justice Department will provide notification of rights to victims of crimes, even during investigations of crimes. I have never received any notification of my rights as a representative of victims including my husband and our three children. At no point has the U.S. Justice Department ever advised me (as the representative of my family members) that I have rights under the Crime Victims' Rights Act in connection with any criminal case against Boeing.

11. I retained Paul Cassell as counsel on November 23, 2021 to assist me with filing a challenge to the Boeing DPA.

\* \* \* \* \*

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 07 day of December, 2021.



Sri Hartati

# **EXHIBIT 8**

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS**

**Case No. 4:21-CR-005-o-1**

**UNITED STATES OF AMERICA,**

*Plaintiff*

**v.**

**THE BOEING COMPANY,**

*Defendant.*

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**AFFIDAVIT OF ZIPPORAH MUTHONI KURIA REGARDING LACK OF  
CONFERRAL BY THE JUSTICE DEPARTMENT**

1. I, Zipporah Muthoni Kuria, do hereby make this declaration in connection with the secret deferred prosecution agreement between Boeing and the U.S. Government.

2. On March 10, 2019, I lost my father, Joseph Kuria Waithaka, in the crash of a Boeing 737 MAX that was Ethiopian Airlines Flight 302. My father was an ordained Pastor who was dedicated to helping people. He was relentless in his love for his family, with a deep standing in his faith and an endeavor to serve his community. In addition to myself, he leaves behind his wife, Jane Wangui Waithaka, and my siblings, Joshua Waithaka Kuria, Ben Irungu Kuria, Pauline Muthoni Kuria, and his youngest daughter, also named Zipporah Muthoni Kuria.

3. I believe my father's death was caused by Boeing's poor decisions in its design of the 737 MAX aircraft. I believe Boeing could have prevented the crash of Ethiopian Airlines Flight 302 and my father's death. I believe that Boeing deceived the FAA as to the strength and capability of the system that caused the MAX crashes. I was happy to learn that a criminal investigation into the company was underway and was eager to see those responsible brought to justice. I do not believe the deferred prosecution agreement holds Boeing to account for these transgressions.



4. At no point has the U.S. Justice Department ever advised me that I have rights under the Crime Victims' Rights Act in connection with its criminal case against Boeing.

5. If the U.S. Justice Department had advised me of any right to confer with it about the crimes associated with the crash, I would have immediately conferred with the Government and urged them to hold Boeing accountable to the full extent of U.S. criminal law. I would have pointed out that the Boeing employees whose conduct form the basis of the Deferred Prosecution Agreement were acting in furtherance of Boeing program goals, set at the highest levels of the company. I would have explained why full prosecution was important to me and my family. By conferring with the Department, I would have hoped to have shaped the negotiations to move in a way that was transparent and reflected the concerns of victims' families.

6. I did not learn about the Deferred Prosecution Agreement and that Boeing was being given immunity for criminal prosecution until on and after January 7, 2021, when the Government announced its Deferred Prosecution Agreement with Boeing in a court filing. Because I did not learn of the Agreement until that time, I was never given any opportunity to present my views about it to the Justice Department at a time when my views could have shaped the Agreement.

7. On December 9, 2021, I retained attorney Paul Cassell to assist with a challenge to the Deferred Prosecution Agreement.

\* \* \* \* \*

I declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746(1), that the foregoing is true and correct.

Executed this 09 day of December 2021.

A handwritten signature in black ink, appearing to read 'Zipporah Muthoni Kuria', is written over a horizontal line.

ZIPPORAH MUTHONI KURIA

# **EXHIBIT 9**

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS**

**Case No. 4:21-CR-005-o-1**

**UNITED STATES OF AMERICA,**

*Plaintiff*

**v.**

**THE BOEING COMPANY,**

*Defendant.*

\_\_\_\_\_ /

**AFFIDAVIT OF JAVIER DE LUIS REGARDING LACK OF CONFERRAL BY THE  
JUSTICE DEPARTMENT**

1. I, Javier de Luis, do hereby make this declaration in connection with the secret deferred prosecution agreement between Boeing and the U.S. Government.

2. On March 10, 2019, I lost my sister, Graziella de Luis, in the crash of a Boeing 737 MAX that was Ethiopian Airlines Flight 302. She was traveling to Kenya as an interpreter for the U.N.'s Environmental Assembly in Nairobi. In addition to myself, Graziella leaves behind our sister, Isabel de Luis. We are both incredibly saddened by Graziella's death and committed to holding those who caused her death accountable.

3. As an Independent Aerospace Lecturer and Consultant at the Massachusetts Institute of Technology, I believe Graziella's death was caused by Boeing's poor decisions in its design of the 737 MAX aircraft. I believe Boeing could have prevented the crash of Ethiopian Airlines Flight 302 and my sister's death. I believe that Boeing deceived the FAA as to the strength and capability of the system that caused the MAX crashes. I was happy to learn that a criminal investigation into the company was underway and was eager to see those responsible brought to justice. I do not believe the deferred prosecution agreement holds Boeing to account for these transgressions.

4. At no point has the U.S. Justice Department ever advised me that I have rights under the Crime Victims' Rights Act in connection with its criminal case against Boeing.

5. If the U.S. Justice Department had advised me of any right to confer with it about the crimes associated with the crash, I would have immediately conferred with the Government and urged them to hold Boeing accountable to the full extent of U.S. criminal law. I would have pointed out that the Boeing employees whose conduct form the basis of the Deferred Prosecution Agreement were acting in furtherance of Boeing program goals, set at the highest levels of the company. I would have explained why full prosecution was important to me and my family. By conferring with the Department, I would have hoped to have shaped the negotiations to move in a way that was transparent and reflected the concerns of victims' families.

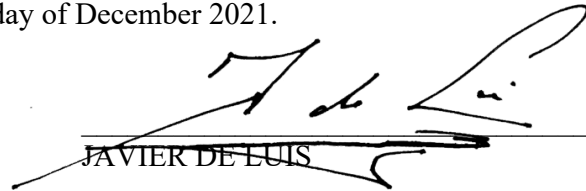
6. I did not learn about the Deferred Prosecution Agreement and that Boeing was being given immunity for criminal prosecution until on and after January 7, 2021, when the Government announced its Deferred Prosecution Agreement with Boeing in a court filing. Because I did not learn of the Agreement until that time, I was never given any opportunity to present my views about it to the Justice Department at a time when my views could have shaped the Agreement.

7. On December 8, 2021, I retained attorney Paul Cassell to assist with a challenge to the Deferred Prosecution Agreement.

\* \* \* \* \*

I declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746(1), that the foregoing is true and correct.

Executed this 8 day of December 2021.



JAVIER DE LUIS

# **EXHIBIT 10**

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS**

**Case No. 4:21-CR-005-o-1**

**UNITED STATES OF AMERICA,**

*Plaintiff*

**v.**

**THE BOEING COMPANY,**

*Defendant.*

\_\_\_\_\_ /

**DECLARATION OF NADIA MILLERON AND MICHAEL STUMO REGARDING  
LACK OF CONFERRAL BY THE JUSTICE DEPARTMENT**

I, NADIA MILLERON and MICHAEL STUMO, hereby declare as follows:

1. I am a citizen of the United States who resides in Massachusetts. I submit this declaration in connection with my motion to enforce my rights under the Crime Victims' Rights Act ("CVRA"). I make this declaration based on my own personal knowledge and, if called to testify as a witness, I could and would competently testify to the matters stated herein.
2. On March 10, 2019, my daughter, Samya Stumo, was a passenger on Ethiopian Airlines Flight 302, when it crashed shortly after take-off from Addis Ababa, Ethiopia. Samya was among the 157 passengers that died that day. The aircraft involved in the disaster was a Boeing 737 MAX.
3. At the time of her death, Samya was 24 years old. She was on her way to Kenya and Uganda, by way of Ethiopia, to join members of her team from her employer ThinkWell to establish local offices in the area to expand ThinkWell's health development initiatives.
4. Samya left behind her two brothers and us, her mother and father. Losing Samya was horrific for our family. But our experience was multiplied 156 times over for the other victims who lost spouses, children, parents, and entire families.

5. In August 2019, I assisted with the formation of the Flight 302 Families Foundation (“Foundation”), a nonprofit organization working for the common interests of the ET302 crash families. I was on the Board of Directors of the Foundation and Thomas Gallagher was hired as Interim CEO.
6. As early as May 2019, I was aware of media reports indicating that the United States Department of Justice (“DOJ”) and the Federal Bureau of Investigations (“FBI”) were investigating Boeing for possible criminal conduct related to the crashes of ET302 and JT610.
7. I was also aware of my rights under the Crime Victims’ Rights Act, specifically my rights to be informed by the Government of any criminal investigation, to confer with the attorney for the Government in the case, to be informed in a timely manner of any plea bargain or deferred prosecution agreement, and to be treated with fairness and dignity.
8. In February 2020, having heard nothing from the DOJ or the FBI as required by the CVRA, and with the one-year anniversary of the crash looming, I directed Mr. Gallagher in his capacity as Interim CEO of the Foundation, to reach out to the DOJ and invoke the CVRA rights of ET302 crash families.
9. On February 19, 2020, Mr. Gallagher wrote Marie A. O’Rourke, the Victims’ Rights Ombudsman at the Department of Justice, a letter requesting a meeting on behalf of the family members involved with the Foundation for March 3, 2020. The letter was transmitted to Ms. O’Rourke via email. We were seeking an update on all matters connected to the ET302 crash, including the progress of any criminal investigation or prosecution conducted by the DOJ that had a connection to the crashes. Mr. Gallagher forwarded me a copy of his e-mail as well as the corresponding letter. A true and correct copy of the e-mail is attached as **Exhibit 1**. A true and correct copy of the letter of the letter is attached as **Exhibit 2**.
10. The next day on February 20, 2020, Ms. O’Rourke responded to Mr. Gallagher’s email and indicated that she was unaware of which office was working on this investigation and that she would forward the inquiry to the FBI Victims’ Witness Office. Mr. Gallagher forwarded me a copy of this e-mail. A true and correct copy of this e-mail is attached as **Exhibit 3**.
11. Mr. Gallagher replied to Ms. O’Rourke: “News reports indicate that DOJ’s Criminal Division is investigating Boeing. Boeing’s recent SEC 10K filing discloses that DOJ is investigating Boeing. How do I go about identifying the attorneys assigned to this investigation?” Mr. Gallagher forwarded me a copy of this e-mail. A true and correct copy of this e-mail is attached as **Exhibit 4**.

12. Ms. O'Rourke replied that the FBI did not have any criminal investigation into this crash nor were they aware of any open cases at the Department of Justice. Ms. O'Rourke further stated, "If criminal charges are filed at some point, victims will be advised of that and notified of their rights under the CVRA." Mr. Gallagher forwarded me a copy of his communications with Ms. O'Rourke. A true and correct copy of this e-mail is attached as **Id.**
13. Despite Ms. O'Rourke's representations to the contrary, I continued to read reports from various news outlets indicating that federal prosecutors were investigating Boeing and examining whether the company knowingly misled the Federal Aviation Administration while it was seeking the regulator's approval to certify the 737 MAX plane. I also learned that the investigation had been ongoing for several months and that prosecutors had even questioned several Boeing employees under oath in a grand jury regarding their roles in lying to regulators during the certification process.
14. In one such media account, a Boeing spokesperson was quoted saying, "We are cooperating with the Justice Department's investigation," therefore confirming to me, the existence of an open pending criminal investigation at the DOJ of Boeing related to the 737 MAX plane.
15. The conflict between what had been represented by Ms. O'Rourke and what was being reported in the media was distressing to me. I did not understand how Ms. O'Rourke could represent that no investigation was ongoing while the media was reporting that there was such an investigation.
16. From March 10, 2019 to January 7, 2021, no one from the DOJ, FBI, Office of Inspector General or any other agency involved in the detection, investigation, or prosecution of crimes related to the crash of ET302, notified me of my rights under the CVRA as required by the statute. In fact, based on the agreement with Boeing described in the next paragraph, it now appears to me that Ms. O'Rourke and the DOJ intentionally misled the Foundation about the existence of an investigation and withheld information regarding the scope and progress of that investigation.
17. On January 7, 2021, I learned from the media that Boeing entered into a Deferred Prosecution Agreement with the DOJ on January 6, 2021. The information became publicly available and widely reported when the Deferred Prosecution Agreement was filed in the United States District Court for the Northern District of Texas on January 7, 2021.
18. Part of the terms of the Deferred Prosecution Agreement requires Boeing to pay a total of \$500,000,000 to the heirs, relatives, and/or legal beneficiaries of the crash victims of Lion Air Flight 610 and Ethiopian Airlines Flight 302. As Samya's mother and father, we are among the group of individuals the Deferred Prosecution Agreement identifies as an heir, relative, and legal beneficiary of a crash victim.



19. The Justice Department has never given me any notice of its Deferred Prosecution Agreement with Boeing, even after January 7, 2021. I did not learn that Boeing was being given immunity from criminal prosecution until it was picked up and reported in the media. Because I did not learn of the Agreement until that time, I was never given any opportunity to present my views about it to the Justice Department at a time when my views could have shaped the Agreement.
20. I was never contacted by the DOJ or the Criminal Division Victim Notification Program to confer with an attorney for the Government about this case. I was never advised by the prosecutor in the case that I had a right to seek the advice of an attorney with respect to my rights under the CVRA. If the DOJ had advised me of my right to confer with them about the crimes associated with the crash, I would have immediately and vigorously conferred with the Government and urged them to hold Boeing, and its culpable management as individuals who created the incentives and direction giving rise to the fraud, accountable to the full extent of U.S. criminal law. I would have explained why full prosecution was important to me as the parent of a victim of Boeing's corporate homicide to achieve some measure of justice and to deter other corporate actors from committing fraud which harms innocent people. By conferring with the DOJ, I would have hoped to have shaped the negotiations to move in a way that was transparent and reflected the concerns of my family and other victims' families.
21. On December 8, 2021, I retained attorney Paul Cassell to assist with a challenge to the Deferred Prosecution Agreement.

\* \* \* \* \*

I declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746(1), that the foregoing is true and correct.

Executed this 11th day of December 2021.



NADIA MILLERON



MICHAEL STUMO

# **EXHIBIT 1**

From: Tom Gallagher [REDACTED]  
 Subject: Fwd: Request for a Meeting DOJ Attorneys re: Ethiopian Flight 302 Victims' Families  
 Date: February 19, 2020 at 2:20 PM  
 To: Nadia Meron [REDACTED], Michael Stumo [REDACTED]

GT

fyi

----- Forwarded message -----

From: <[tgallagher@et302.org](mailto:tgallagher@et302.org)>

Date: Wed, Feb 19, 2020 at 2:13 PM

Subject: Request for a Meeting DOJ Attorneys re: Ethiopian Flight 302 Victims' Families

To: <[usaeo.VictimOmbudsman@usdoj.gov](mailto:usaeo.VictimOmbudsman@usdoj.gov)>

Dear Ms. O'Rourke,

Attached please find a letter requesting your kind assistance in securing a meeting with the DOJ attorneys investigating the Ethiopian Flight 302/Boeing 737 MAX crash that took place on March 10, 2019. I look forward to hearing from your office at your earliest convenience. Thank you.

Best,

Tom Gallagher

Thomas L. Gallagher

Interim CEO, Flight ET302 Families Foundation

[REDACTED] Mobile (New York City Metro Area)

[tgallagher@et302.org](mailto:tgallagher@et302.org)

Board of Directors

February 19, 2020

Via Fax - (202) 252-1011

Via PDF & Email - [usaeo.VictimOmbudsman@usdoj.gov](mailto:usaeo.VictimOmbudsman@usdoj.gov)

February 19, 2020

JS Gathumbi  
 President  
 Kenya

Konjit Abuli Balseber  
 Vice President  
 Ethiopia

Zipporah Kuria  
 Secretary  
 United Kingdom

Claudia Chisaroni  
 Italy

Huguette Delbecq  
 Rwanda/Belgium

Tyler Gao  
 China

Mikaela Hallmarsson

Marie A. O'Rourke  
 Victims' Rights Ombudsman  
 Executive Office for United States Attorneys  
 Department of Justice  
 RFK Main Justice Building  
 950 Pennsylvania Ave., N.W., Room 2261  
 Washington, DC 20530-0001

**Re: Request for a meeting pursuant to the Crime Victim's Rights Act**

Dear Ms. O'Rourke:

On behalf of family members of victims of Ethiopian Airlines Flight 302 on the Boeing 737 MAX airplane that crashed shortly after take-off outside Addis Ababa, Ethiopia, on March 10, 2019, we seek your assistance in securing a meeting on March 3, 2020, with U.S. Department of Justice attorneys investigating this crash, as family members from around the world will be flying



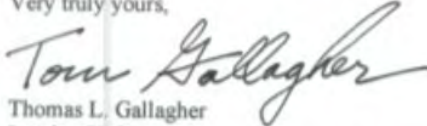
rumupia  
Tom Maina Kabau  
Kenya  
Michael Kabugi  
Kenya  
Gladys Kivia  
Canada  
Nadia Milleron  
United States  
Mario Jorge Rassul  
Mozambique  
Joan Vincent  
Canada

to Addis Ababa beginning on March 7, 2020, in order to take part in the one-year anniversary ceremonies, including a service at the crash site on March 10, 2020.

The value of a such meeting is that the family representatives can share with other families from around the world an update on all matters, including but not limited to, Boeing accountability, the work of U.S. Department of Justice, and proposed legislation in the U.S. and elsewhere.

At your earliest convenience, would you kindly let me know if such a meeting is possible on March 3<sup>rd</sup>? Thank you in advance for your response to this inquiry.

Very truly yours,



Thomas L. Gallagher  
Interim CEO

Mobile (New York City Metro Area)  
tgallagher@et302.org / <https://et302.org>

# **EXHIBIT 2**

Board of Directors

JS Gathumbi  
President  
Kenya

Konjit Shafi Baleker  
Vice President  
Ethiopia

Zipporah Kuria  
Secretary  
United Kingdom

Claudia Chimenti  
Italy

Huguette Debets  
Rwanda/Belgium

Tiger Gan  
China

Mahlet Hailemariam  
Ethiopia

Tom Maina Kabau  
Kenya

Michael Kabogi  
Kenya

Gladys Kiya  
Canada

Nadia Milleron  
United States

Mario Jorge Rassul  
Mozambique

Joan Vincent  
Canada

February 19, 2020

Via Fax - (202) 252-1011

Via PDF & Email – [usao.VictimOmbudsman@usdoj.gov](mailto:usao.VictimOmbudsman@usdoj.gov)

February 19, 2020

Marie A. O'Rourke  
Victims' Rights Ombudsman  
Executive Office for United States Attorneys  
Department of Justice  
RFK Main Justice Building  
950 Pennsylvania Ave., N.W., Room 2261  
Washington, DC 20530-0001



**Re: Request for a meeting pursuant to the Crime Victim's Rights Act**

Dear Ms. O'Rourke:

On behalf of family members of victims of Ethiopian Airlines Flight 302 on the Boeing 737 MAX airplane that crashed shortly after take-off outside Addis Ababa, Ethiopia, on March 10, 2019, we seek your assistance in securing a meeting on March 3, 2020, with U.S. Department of Justice attorneys investigating this crash, as family members from around the world will be flying to Addis Ababa beginning on March 7, 2020, in order to take part in the one-year anniversary ceremonies, including a service at the crash site on March 10, 2020.

The value of a such meeting is that the family representatives can share with other families from around the world an update on all matters, including but not limited to, Boeing accountability, the work of U.S. Department of Justice, and proposed legislation in the U.S. and elsewhere.

At your earliest convenience, would you kindly let me know if such a meeting is possible on March 3<sup>rd</sup>? Thank you in advance for your response to this inquiry.

Very truly yours,

A handwritten signature in black ink that reads "Tom Gallagher".

Thomas L. Gallagher  
Interim CEO

Mobile (New York City Metro Area)  
[tgallagher@et302.org](mailto:tgallagher@et302.org) / <https://et302.org>

# **EXHIBIT 3**

From: Tom Gallagher [REDACTED]  
Subject: Fwd: RE: Request for a Meeting DOJ Attorneys re: Ethiopian Flight 302 Victims' Families  
Date: February 19, 2020 at 3:32 PM  
To: Nadia Meron [REDACTED], Michael Stumo [REDACTED]

GT

DOJ just responded!

----- Original Message -----

Subject: RE: Request for a Meeting DOJ Attorneys re: Ethiopian Flight 302 Victims' Families  
Date: 2020-02-19 15:00  
From: USAEO-VictimOmbudsman <[USAEO.VictimOmbudsman@usdoj.gov](mailto:USAEO.VictimOmbudsman@usdoj.gov)>  
To: "'[tgallagher@et302.org](mailto:tgallagher@et302.org)'" <[tgallagher@et302.org](mailto:tgallagher@et302.org)>

Mr. Gallagher,

At this point, I am not aware of which office may be working on this investigation, as it still may be under investigation by the FBI. I will forward your request to the FBI Victims' Witness Office, and they will be in touch with you to follow up with your request.

Marie A. O'Rourke

Victims' Rights Ombudsman

United States Department of Justice

2261 RFK Main Justice Building

950 Pennsylvania Avenue, NW

Washington, DC 20530

Tel: (202) 252-1010

Tollfree: (877) 574-9302

Fax: (202) 252-1011

FROM: [tgallagher@et302.org](mailto:tgallagher@et302.org) <[tgallagher@et302.org](mailto:tgallagher@et302.org)>  
SENT: Wednesday, February 19, 2020 2:14 PM  
TO: USAEO-VictimOmbudsman <[usaao.VictimOmbudsman@usa.doj.gov](mailto:usaao.VictimOmbudsman@usa.doj.gov)>  
SUBJECT: Request for a Meeting DOJ Attorneys re: Ethiopian Flight 302 Victims' Families

Dear Ms. O'Rourke,

Attached please find a letter requesting your kind assistance in securing a meeting with the DOJ attorneys investigating the Ethiopian Flight 302/Boeing 737 MAX crash that took place on March 10, 2019. I look forward to hearing from your office at your earliest convenience. Thank you.

Best,

Tom Gallagher

Thomas L. Galladher



Interim CEO, Flight ET302 Families Foundation

██████████ Mobile (New York City Metro Area)

[tgallagher@et302.org](mailto:tgallagher@et302.org)

# **EXHIBIT 4**

**From:** Tom Gallagher [REDACTED]  
**Subject:** Fwd: RE: Request for a Meeting DOJ Attorneys re: Ethiopian Flight 302 Victims' Families  
**Date:** February 20, 2020 at 4:22 PM  
**To:** Nadia M. Eron [REDACTED], Michael Stumo [REDACTED]

GT

Nadia, Michael,

Today I went back to DOJ Crime Victim Ombudsman and said it's been reported in the media and disclosed by Boeing in its SEC filing that DOJ is investigating Boeing. But here's her response below.

Tom

----- Original Message -----

Subject: RE: Request for a Meeting DOJ Attorneys re: Ethiopian Flight  
302 Victims' Families

Date: 2020-02-20 13:00

From: USAEO-VictimOmbudsman <[USAEO.VictimOmbudsman@usdoj.gov](mailto:USAEO.VictimOmbudsman@usdoj.gov)>

To: "'[tgallagher@et302.org](mailto:tgallagher@et302.org)'" <[tgallagher@et302.org](mailto:tgallagher@et302.org)>

Mr. Gallagher:

The FBI has advised me that they do not have a criminal investigation into this crash, nor are they aware of any open cases at the Department of Justice. If there is an investigation into the safety issues for this model aircraft it would be handled by the NTSB, and you may wish to contact them. It is possible that there are outstanding civil reviews or cases, but since those would not fall within the purview of the Crime Victims' Rights Act, this office cannot assist you. If criminal charges are filed at some point, victims will be advised of that and notified of their rights under the CVRA.

Marie A. O'Rourke

Victims' Rights Ombudsman

United States Department of Justice

2261 RFK Main Justice Building

950 Pennsylvania Avenue, NW

Washington, DC 20530

Tel: (202) 252-1010

Tollfree: (877) 574-9302

Fax: (202) 252-1011

FROM: [tgallagher@et302.org](mailto:tgallagher@et302.org) <[tgallagher@et302.org](mailto:tgallagher@et302.org)>

SENT: Thursday, February 20, 2020 9:09 AM

TO: USAEO-VictimOmbudsman <[usaeo.VictimOmbudsman@usa.doj.gov](mailto:usaeo.VictimOmbudsman@usa.doj.gov)>

SUBJECT: RE: Request for a Meeting DOJ Attorneys re: Ethiopian Flight  
302 Victims' Families

Dear Ms. O'Rourke,

News reports indicate that DOJ's Criminal Division is investigating Boeing. Boeing's recent SEC 10K filing discloses that DOJ is investigating Boeing. How do I go about identifying the attorneys assigned to this investigation?

Thank you for your kind assistance.

Best regards,

Tom Gallagher

Thomas L. Gallagher

Interim CEO, Flight ET302 Families Foundation

[REDACTED] Mobile (New York City Metro Area)

[tgallagher@et302.org](mailto:tgallagher@et302.org)

----- Original Message -----

Subject: RE: Request for a Meeting DOJ Attorneys re: Ethiopian Flight  
302 Victims' Families

ET302 Victims' Families

Date: 2020-02-19 15:00

From: USAEO-VictimOmbudsman <[USAEO.VictimOmbudsman@usdoj.gov](mailto:USAEO.VictimOmbudsman@usdoj.gov)>

To: "'[tgallagher@et302.org](mailto:tgallagher@et302.org)'" <[tgallagher@et302.org](mailto:tgallagher@et302.org)>

Mr. Gallagher,

At this point, I am not aware of which office may be working on this investigation, as it still may be under investigation by the FBI. I will forward your request to the FBI Victims' Witness Office, and they will be in touch with you to follow up with your request.

Marie A. O'Rourke

Victims' Rights Ombudsman

United States Department of Justice

2261 RFK Main Justice Building

950 Pennsylvania Avenue, NW

Washington, DC 20530

Tel: (202) 252-1010

Tollfree: (877) 574-9302

Fax: (202) 252-1011

FROM: [tgallagher@et302.org](mailto:tgallagher@et302.org) <[tgallagher@et302.org](mailto:tgallagher@et302.org)>

SENT: Wednesday, February 19, 2020 2:14 PM

TO: USAEO-VictimOmbudsman <[usaao.VictimOmbudsman@usa.doj.gov](mailto:usaao.VictimOmbudsman@usa.doj.gov)>

SUBJECT: Request for a Meeting DOJ Attorneys re: Ethiopian Flight 302 Victims' Families

Dear Ms. O'Rourke,

Attached please find a letter requesting your kind assistance in securing a meeting with the DOJ attorneys investigating the Ethiopian Flight 302/Boeing 737 MAX crash that took place on March 10, 2019. I look forward to hearing from your office at your earliest convenience. Thank you.

Best,

Tom Gallagher

Thomas L. Gallagher

Interim CEO, Flight ET302 Families Foundation

Mobile (New York City Metro Area)

[tgallagher@et302.org](mailto:tgallagher@et302.org)

## **EXHIBIT 11**

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS**

**Case No. 4:21-CR-005-o-1**

**UNITED STATES OF AMERICA,**

*Plaintiff*

**v.**

**THE BOEING COMPANY,**

*Defendant.*

\_\_\_\_\_/

**DECLARATION OF CHRIS MOORE REGARDING LACK OF CONFERRAL BY THE  
JUSTICE DEPARTMENT**

I, CHRIS MOORE, hereby declare as follows:

1. I am a citizen of Canada who resides in Toronto. I submit this declaration in connection with my motion to enforce my rights under the Crime Victims' Rights Act ("CVRA"). I make this declaration based on my own personal knowledge and, if called to testify as a witness, I could and would competently testify to the matters stated herein.
2. On March 10, 2019, my daughter, Danielle Moore, was a passenger on Ethiopian Airlines Flight 302, when it crashed shortly after take-off from Addis Ababa, Ethiopia. Danielle was among the 157 passengers and crew that died that day. The aircraft involved in the disaster was a Boeing 737 MAX.
3. Danielle was 24 years old when her life was tragically cut short. She was on her way to represent Canada at the United Nations Environment Assembly in Nairobi, Kenya. Danielle felt beyond privileged to be receiving this opportunity. She lived her life full of hope and believed in creating great change for a more just and environmentally sustainable planet. She was a courageous leader, champion for justice, and environmental activist always keen to carry the hard work of sustainability forward.
4. Danielle left behind her mother, Clariss Moore, her brother, her partner, and myself. Losing Danielle was devastating—in losing her we lost the core of our family and the person that

held us together. Her death caused me to feel sad and alone, feelings which have been compounded by the clandestine nature in which the worldwide investigations into the crash have been conducted.

5. I was aware that the Federal Bureau of Investigation ("FBI") was investigating Boeing for possible criminal conducted related to the crashes of ET302, but I was blindsided on January 7, 2021 when I learned from the media that Boeing entered into a Deferred Prosecution Agreement with the U.S Department of Justice ("DOJ"). I was under the impression that the FBI was still conducting their investigation and had no idea that the DOJ had started prosecuting the matter.
6. I am aware of my rights under the Crime Victims' Rights Act, specifically my rights to be informed by the Government of any criminal investigation, to confer with the attorney for the Government in the case, to be informed in a timely manner of any plea bargain or deferred prosecution agreement, and to be treated with fairness and dignity.
7. Part of the terms of the Deferred Prosecution Agreement requires Boeing to pay a total of \$500,000,000 to the heirs, relatives, and/or legal beneficiaries of the crash victims of Lion Air Flight 610 and Ethiopian Airlines Flight 302. As Danielle's father, I am among the group of individuals the Deferred Prosecution Agreement identifies as an heir, relative, and legal beneficiary of a crash victim.
8. From March 10, 2019 to January 7, 2021, no one from the DOJ, FBI, or any other agency involved in the detection, investigation, or prosecution of crimes related to the crash of ET302, notified me or our family of our rights under the CVRA as required by the statute.
9. The Justice Department has never given me any notice of its Deferred Prosecution Agreement with Boeing, even after January 7, 2021. I did not learn that Boeing was being given immunity from criminal prosecution until it was picked up and reported in the media. Because I did not learn of the Agreement until that time, I was never given any opportunity to present my views about it to the Justice Department at a time when my views could have shaped the Agreement.
10. I was never contacted by the DOJ or the Criminal Division Victim Notification Program to confer with an attorney for the Government about this case. I was never advised by the prosecutor in the case that I had a right to seek the advice of an attorney with respect to my rights under the CVRA. If the DOJ had advised me of my right to confer with them about the crimes associated with the crash, I would have immediately taken the opportunity to confer with the Government and urged them to hold Boeing accountable to the full extent of U.S. criminal law. I would have explained why full prosecution was important to me. By conferring with the DOJ, I would have advocated for my views and urged the DOJ to move in a way that was transparent and reflected the concerns of my family and other victims' families.

11. On December 8, 2021, I retained attorney Paul Cassell to assist with a challenge to the Deferred Prosecution Agreement.

\* \* \* \* \*

I declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746(1), that the foregoing is true and correct.

Executed this 8 day of December 2021.

  
CHRIS MOORE



## **EXHIBIT 12**

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS**

**Case No. 4:21-CR-005-o-1**

**UNITED STATES OF AMERICA,**

*Plaintiff*

**v.**

**THE BOEING COMPANY,**

*Defendant.*

\_\_\_\_\_ /

**AFFIDAVIT OF PAUL NJOROGUE REGARDING LACK OF CONFERRAL BY THE  
JUSTICE DEPARTMENT**

1. I, Paul Njoroge, do hereby make this declaration in connection with the secret deferred prosecution agreement between Boeing and the U.S. Government.
2. On March 10, 2019, I lost the four people I loved most in this world: my wife, Carolyn Nduta Karanja, aged 33, and our three small children, Ryan Njoroge Njuguna, aged 6, Kelli W. Pauls, aged 4, and Rubi W. Pauls, aged 9 months, in the crash of a Boeing 737 MAX that was Ethiopian Airlines Flight 302. They were going to Kenya to visit Carolyn's family. My mother-in-law Anne Karanja was also traveling with them. I bought their airline tickets for what I intended to be the trip of a lifetime. It was a trip that ended their lives.
3. Since losing my entire family, I have been committed to seeing those responsible for the crash brought to justice. I was incredibly angry to learn that the crash was preventable. I have testified before the U.S. Congress to urge it to take action against Boeing in their investigations into the crash.
4. I believe my loved ones' death was caused by Boeing's poor decisions in its design of the 737 MAX aircraft. I believe Boeing could have prevented the crash of Ethiopian Airlines Flight 302 and my family's death. I believe that Boeing deceived the FAA as to the strength and capability of the system that caused the MAX crashes. I was happy to learn that a criminal investigation into the company was underway and was eager to see those responsible brought to justice. I do not believe the deferred prosecution agreement holds Boeing to account for these transgressions.

5. At no point has the U.S. Justice Department ever advised me that I have rights under the Crime Victims' Rights Act in connection with its criminal case against Boeing, even though I have appeared and testified before Congress as part of its investigation into the crash.

6. If the U.S. Justice Department had advised me of any right to confer with it about the crimes associated with the crash, I would have immediately conferred with the Government and urged them to hold Boeing accountable to the full extent of U.S. criminal law. I would have pointed out that the Boeing employees whose conduct form the basis of the Deferred Prosecution Agreement were acting in furtherance of Boeing program goals, set at the highest levels of the company. I would have explained why full prosecution was important to me and my family. By conferring with the Department, I would have hoped to have shaped the negotiations to move in a way that was transparent and reflected the concerns of victims' families.

7. I did not learn about the Deferred Prosecution Agreement and that Boeing was being given immunity for criminal prosecution until on and after January 7, 2021, when the Government announced its Deferred Prosecution Agreement with Boeing in a court filing. Because I did not learn of the Agreement until that time, I was never given any opportunity to present my views about it to the Justice Department at a time when my views could have shaped the Agreement.

8. On December 8, 2021, I retained attorney Paul Cassell to assist with a challenge to the Deferred Prosecution Agreement.

\* \* \* \* \*

I declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746(1), that the foregoing is true and correct.

Executed this 8 day of December 2021.

  
\_\_\_\_\_  
PAUL NJOROGE

## **EXHIBIT 13**

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS

Case No. 4:21-CR-005-0-1

UNITED STATES OF AMERICA,

*Plaintiff*

v.

THE BOEING COMPANY,

*Defendant.*

AFFIDAVIT OF YUKE MEISKE PELEALU REGARDING LACK OF  
CONFERRAL BY THE JUSTICE DEPARTMENT

1. I, Yuke Meiske Pelealu, do hereby declare that I am a citizen of Indonesia. I make this declaration in connection with a secret deferred prosecution agreement between Boeing and the U.S. Government.
2. On October 29, 2018, I lost my beloved husband, Rudolf Petrus Sayers in the crash of a Boeing 737 MAX that was Lion Air Flight JT610.
3. I have been appointed Special Administrator and Special Representative of the Estate of my husband by the Probate Court in Chicago, Illinois.
4. Rudolf was a Senior Sales Executive for an electrical and technical equipment supplier in Indonesia.
5. Our three daughters and I have been through extreme trauma and grief since his death. He was a wonderful husband and father.
5. After the death of my husband, my daughters and I have been very interested in holding accountable all those who criminally caused his death, including Boeing. Through the course of 2020, we became aware of mounting evidence that Boeing was criminally responsible for the crash of Flight 302.
6. More than three years after the crash, we still do not have a full account of what happened and why, as Boeing continues to actively conceal the technical details, data and protocols of the 737 MAX. I believe that the corrupt and negligent culture at Boeing that gave rise to the two MAX crashes has not changed.



6. If the U.S. Justice Department had advised me of any right to confer with it about the crimes associated with the crash, I would have immediately and vigorously conferred with the Government and urged them to hold Boeing accountable to the full extent of U.S. criminal law. I would have explained why full prosecution was important to me, on behalf of my husband. By conferring with the Department, I would have hoped to have shaped the negotiations to move in a way that was transparent and reflected the concerns of victims' families.

7. I believe that Boeing should have been prosecuted for fraud after the first fatal crash in Indonesia in October 2018 which killed all 189 people on board. They knew this plane was defective and there would be further crashes and loss of life. After the second crash, they should have been tried and prosecuted for the manslaughter of 356 people.

8. My daughters and I did not learn that Boeing was being given immunity for criminal prosecution until on and after January 7, 2021, when the Government announced its Deferred Prosecution Agreement with Boeing in a court filing that was, as we understand it, picked up and reported in the media. Because we did not learn of the Agreement until that time, we were never given any opportunity to present our views about it to the Justice Department at a time when our views could have shaped the Agreement.

9. The Justice Department has never given me or my daughters any notice of its Deferred Prosecution Agreement with Boeing.

10. My understanding is that the Justice Department will provide notification of rights to victims of crimes, even during investigations of crimes. I have never received any notification of my rights as a representative of victims including my husband and our three daughters. At no point has the U.S. Justice Department ever advised me (as the representative of my family members) that I have rights under the Crime Victims' Rights Act in connection with any criminal case against Boeing.

11. I retained Paul Cassell as counsel on December 7, 2021, to assist me with filing a challenge to the Boeing DPA.

\*\*\*\*\*

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 12th day of December, 2021.

  
Yuke Meiske Pelealu

## **EXHIBIT 14**

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS

Case No. 4:21-CR-005-o-1

UNITED STATES OF AMERICA,

*Plaintiff*

v.

THE BOEING COMPANY,

*Defendant.*

---

**AFFIDAVIT OF JOHN KARANJA QUINDOS REGARDING LACK OF CONFERRAL  
BY THE JUSTICE DEPARTMENT**

1. I, John Karanja Quindos, do hereby make this declaration in connection with a secret deferred prosecution agreement between Boeing and the U.S. Government.
2. On March 10, 2019, I lost my wife, Anne Wangui Karanja, in the crash of a Boeing 737 MAX that was Ethiopian Airlines Flight 302.
3. Anne was travelling back home to Kenya together with our daughter, Caroline Nduta Karanja, whom Anne had been staying with in Canada for six months to help with childcare after the birth of Caroline's third child. Anne was excited to accompany Caroline and her three children back to their Kenyan homeland, where I would meet our new grandchild for the first time. Tragically, they never reached Kenya, and Anne, along with Caroline and her three children, all perished aboard flight ET302.
4. Anne and I were married for 35 years. We had four children together: Quindos Mwangi Karanja, age 35; Caroline Nduta Karanja, aged 34; Kelvin Kibira Karanja, age 32; and Kelly Wanjiru Karanja, age 30. My surviving children and I have been devastated by her death.
3. Anne was the matriarch of our family and a pillar of our community in Nakuru, Kenya. After a long career as a primary school teacher, Anne had recently retired from teaching in July 2018. She was actively involved with our church, serving in various capacities, and was a



champion of development in our village, taking the lead in raising money for water storage tanks to ensure that everyone had access to clean water.

4. Before her trip to Canada to support Caroline, Anne and I had only been apart for a few days at a time. Even when I worked in a different town over four hours away, I traveled home every Thursday to see her. Anne was everything to me – a mentor, a friend, and a trusted confidante. She was also a loving mother to our children. She immensely valued their education and insisted that we send them to the best schools we could afford. Traveling to Canada to support Caroline with childcare was just another of many examples of Anne's devotion to our children. Anne was more than a wife and mother to our family; she was our inspiration.

5. My surviving children and I are now left to mourn the loss of three generations of our family without the support of our wife and mother who had always been there for us in hard times. Anne's death, the manner in which she died, and the cause of her death has caused me and my children to suffer from severe grief and mental harm. We cannot help but imagine Anne's terrifying final moments, thinking of us, and unable to help or comfort her daughter and grandchildren.

5. After losing Anne, I became determined to hold accountable the people who caused her death. I wanted to fight for her the way she always fought for me and our family. I was shocked to learn through news reports and official investigations that Boeing was responsible for the crash of Ethiopian Airlines Flight 302. I was horrified to read the messages sent between Boeing employees as they plotted to hide from the FAA information on the MCAS system that caused both MAX crashes. I was outraged when Boeing's leadership downplayed the company's role in the crashes and did not accept responsibility for their actions. It was evident to me that Boeing's behavior was not just negligent, but criminal. I was glad to learn that a criminal investigation was underway in the United States.

6. At no point has the U.S. Justice Department ever advised me that I have rights under the Crime Victims' Rights Act in connection with the criminal case against Boeing.

7. If the U.S. Justice Department had advised me of any right to confer with it about the crimes associated with the crash, I would have immediately and vigorously conferred with the Government and urged them to hold Boeing accountable to the full extent of U.S. criminal law. I would have explained why full prosecution was important to me. By conferring with the Department, I would have hoped to have shaped the negotiations to move in a way that was transparent and reflected the concerns of victims' families.

8. I did not learn about the Deferred Prosecution Agreement and that Boeing was being given immunity for criminal prosecution until on and after January 7, 2021, when the Government announced its Deferred Prosecution Agreement with Boeing in a court filing. Because I did not

learn of the Agreement until that time, I was never given any opportunity to present my views about it to the Justice Department at a time when my views could have shaped the Agreement.

\* \* \* \* \*

I declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746(1), that the foregoing is true and correct.

Executed this 6<sup>th</sup> day of December, 2021.

  
JOHN KARANJA QUINDOS

# **EXHIBIT 15**

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS

Case No. 4:21-CR-005-o-1

UNITED STATES OF AMERICA,

*Plaintiff*

v.

THE BOEING COMPANY,

*Defendant.*

\_\_\_\_\_/

**AFFIDAVIT OF GUY DAUD ISKANDAR ZEN S. REGARDING LACK OF  
CONFERRAL BY THE JUSTICE DEPARTMENT**

1. I, Guy Daud Iskandar Zen S., do hereby declare that I am a citizen of Indonesia. I make this declaration in connection with a secret deferred prosecution agreement between Boeing and the U.S. Government.
2. On October 29, 2018, I lost my daughter, Fiona Zen in the crash of a Boeing 737 MAX that was Lion Air Flight JT610.
3. I have been appointed Special Administrator and Special Representative of the Estate of Fiona by the Probate Court in Chicago, Illinois.
4. Fiona is survived by her minor son who was only 12 years old at the time of her death. Additionally, my wife/Fiona's mother died only 2 days after Fiona from a massive heart attack. My grandson and I have lost so much as a result of the Boeing 737 MAX crash.
5. Fiona was only 29 years old and had a bachelor's degree in Finance from the University of Binus. She was a very successful and accomplished entrepreneur who owned numerous Optical stores throughout Indonesia.
6. My grandson and I have been through extreme trauma and grief since her death. There are no words to explain the suffering and struggles that we have experienced.
7. After the death of Fiona, I was very interested in holding accountable all those who criminally caused her death, including Boeing. Through the course of 2020, I became aware of mounting evidence that Boeing was criminally responsible for the crash of Flight JT610.
8. More than three years after the crash, we still do not have a full account of what happened and why, as Boeing continues to actively conceal the technical details, data and protocols of the 737 Max. Their corrupt culture remains the same.



9. If the U.S. Justice Department had advised me of any right to confer with it about the crimes associated with the crash, I would have immediately and vigorously conferred with the Government and urged them to hold Boeing accountable to the full extent of U.S. criminal law. I would have explained why full prosecution was important to me, on behalf of Fiona. By conferring with the Department, I would have hoped to have shaped the negotiations to move in a way that was transparent and reflected the concerns of victims' families.

10. I believe that Boeing should have been prosecuted for fraud after the first fatal crash in Indonesia in October 2018 which killed all 189 people on board. They knew this plane was defective and there would be further crashes and loss of life. After the second crash, they should have been tried and prosecuted for the manslaughter of 356 people. Instead, they get away with a fine.

11. I did not learn that Boeing was being given immunity for criminal prosecution until on and after January 7, 2021, when the U.S. Government announced its Deferred Prosecution Agreement with Boeing in a court filing that was, as I understand it, picked up and reported in the media. Because I did not learn of the Agreement until that time, I was never given any opportunity to present my views about it to the Justice Department at a time when my views could have shaped the Agreement.

12. The Justice Department has never given me any notice of its Deferred Prosecution Agreement with Boeing. It is hard to put into words the effect of the news that Boeing will now get away with just paying a fine.


13. My understanding is that the Justice Department will provide notification of rights to victims of crimes, even during investigations of crimes. I have never received any notification of my rights as a representative of victim. At no point has the U.S. Justice Department ever advised me (as the representative of my family members) that I have rights under the Crime Victims' Rights Act in connection with any criminal case against Boeing.

14. I retained Paul Cassell as counsel on November 23, 2021 to assist me with filing a challenge to the Boeing DPA.

\* \* \* \* \*

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 7 day of December, 2021.

  
\_\_\_\_\_  
Guy Daugh Iskandar Zen S.

# **EXHIBIT 16**

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS**

**Case No. 4:21-CR-005-o-1**

**UNITED STATES OF AMERICA,**

*Plaintiff*

**v.**

**THE BOEING COMPANY,**

*Defendant*

\_\_\_\_\_/

**DECLARATION OF THOMAS GALLAGHER REGARDING LACK OF CONFERRAL  
BY THE JUSTICE DEPARTMENT**

I, THOMAS GALLAGHER, hereby declare as follows:

1. I am a citizen of the United States who resides in Connecticut. I submit this declaration in connection with a motion to enforce the rights of the ET302 crash victims under the Crime Victims' Rights Act ("CVRA") filed by certain crash victims' families. I make this declaration based on my own personal knowledge and, if called to testify as a witness, I could and would competently testify to the matters stated herein.
2. In January 2020, I became the Interim CEO of a new nonprofit organization called the Flight ET302 Families Foundation ("Foundation"). I was retained for a period of approximately three months and expected to work through March 2020. The Foundation was started to enable all Ethiopian Flight 302 crash families to work together for their common interests. The Foundation's mission is "to empower, inform, emotionally heal and equip the families of victims of aircraft crashes, including the 157 victims of Ethiopian Airlines Flight 302, and advance the common interests of those families and those of the flying public. The Foundation serves as a unifying and sustainable organization that creates solidarity among the families of crash victims."

3. After joining the Foundation as the Interim CEO, I became aware of media reports indicating that the United States Department of Justice (“DOJ”) was investigating Boeing for possible criminal conduct related to the crashes of ET302 and JT610.
4. In February 2020, with the one-year anniversary of crash approaching on March 10, 2020, I reached out to the DOJ in my capacity as the Interim CEO of the Foundation to try and arrange an opportunity for family representatives of crash victims of ET302 to confer with the investigators and prosecutors on the case.
5. On February 19, 2020, I wrote Marie A. O’Rourke, the Victims’ Rights Ombudsman at the Department of Justice, a letter requesting a meeting on behalf of family representatives of the victims of ET302 for March 3, 2020. The Foundation and its board on behalf of family representatives of crash victims of ET 302 were seeking an update on all matters connected to the ET302 crash, including information of any criminal investigation or prosecution reported to be conducted by DOJ that had a connection to the crashes. The letter was transmitted to Ms. O’Rourke via email. I forwarded a copy of these communications to Nadia Milleron, a Foundation board member, and Michael Stumo, a lobbyist in Washington, DC, who are the married parents of 24-year old Samya Rose Stumo, who died in the ET302 crash. Ms. Milleron and Mr. Stumo served as my day-to-day collaborators in my work as Interim CEO of the Foundation. A true and correct copy of the e-mail is attached as **Exhibit 1**. A true and correct copy of the letter is attached as **Exhibit 2**.
6. Later that same day, February 19, 2020, Ms. O’Rourke responded to my email. She stated that she was not aware of which office may be working on this investigation and that she would forward the inquiry to the FBI Victims’ Witness Office. I forwarded a copy of these communications to Nadia Milleron and Michael Stumo. A true and correct copy of this e-mail is attached as **Exhibit 3**.
7. I replied to Ms. O’Rourke and stated that news reports and Boeing’s own recent SEC Form 10-K filing dated January 31, 2020, indicated that the DOJ was currently investigating Boeing. I asked her: “How do I go about identifying the attorneys assigned to this investigation?” I forwarded a copy of these communications to Nadia Milleron and Michael Stumo. A true and correct copy of this e-mail is attached as **Exhibit 4**.
8. On February 20, 2020, Ms. O’Rourke replied that the FBI advised her that they do not have a criminal investigation into this crash nor were they aware of any open cases at the Department of Justice. Ms. O’Rourke further stated, among other things, “If criminal charges are filed at some point, victims will be advised of that and notified of their rights under the CVRA.” **Id.**

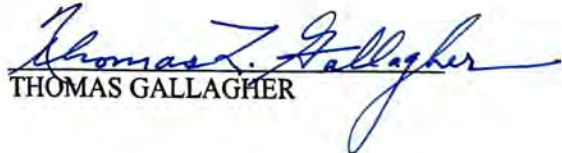


9. On or about February 21, 2020, I telephoned the FBI Victims' Witness Office seeking any information related to the reported investigation and Katie McCabe, a victim specialist, called me back. To my recollection, Ms. McCabe was not aware of any FBI investigation.
10. My interim commitment to the Foundation ended in March 2020. At no point during my tenure as Interim CEO of the Foundation did anyone from the DOJ, FBI, Office of Inspector General or any other agency involved in the detection, investigation, or prosecution of crimes related to the crash of ET302, contact me to notify the Foundation and its board on behalf of family representatives of crash victims of ET302 of their rights under the CVRA, as I am informed, is required by the statute, except for the correspondence I exchanged with Ms. O'Rourke and the brief conversation I had with Ms. McCabe, both of which I initiated.

\* \* \* \* \*

I declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746(1), that the foregoing is true and correct.

Executed this 9<sup>th</sup> day of December 2021 in Riverside, Connecticut.

  
THOMAS GALLAGHER

# **EXHIBIT 1**

From: Tom Gallagher [REDACTED]  
 Subject: Fwd: Request for a Meeting DOJ Attorneys re: Ethiopian Flight 302 Victims' Families  
 Date: February 19, 2020 at 2:20 PM  
 To: Nadia Meron [REDACTED], Michael Stumo [REDACTED]

GT

fyi

----- Forwarded message -----

From: <[tgallagher@et302.org](mailto:tgallagher@et302.org)>

Date: Wed, Feb 19, 2020 at 2:13 PM

Subject: Request for a Meeting DOJ Attorneys re: Ethiopian Flight 302 Victims' Families

To: <[usaeo.VictimOmbudsman@usdoj.gov](mailto:usaeo.VictimOmbudsman@usdoj.gov)>

Dear Ms. O'Rourke,

Attached please find a letter requesting your kind assistance in securing a meeting with the DOJ attorneys investigating the Ethiopian Flight 302/Boeing 737 MAX crash that took place on March 10, 2019. I look forward to hearing from your office at your earliest convenience. Thank you.

Best,

Tom Gallagher

Thomas L. Gallagher

Interim CEO, Flight ET302 Families Foundation

[REDACTED] Mobile (New York City Metro Area)

[tgallagher@et302.org](mailto:tgallagher@et302.org)

Board of Directors

February 19, 2020

Via Fax - (202) 252-1011

Via PDF & Email - [usaeo.VictimOmbudsman@usdoj.gov](mailto:usaeo.VictimOmbudsman@usdoj.gov)

February 19, 2020

JS Gathumbi  
 President  
 Kenya

Konjit Abuli Balseber  
 Vice President  
 Ethiopia

Zipporah Kuria  
 Secretary  
 United Kingdom

Claudia Chisari  
 Italy

Huguette Deliers  
 Rwanda/Belgium

Tyler Gau  
 China

Mikaela Hallmarsson

Marie A. O'Rourke  
 Victims' Rights Ombudsman  
 Executive Office for United States Attorneys  
 Department of Justice  
 RFK Main Justice Building  
 950 Pennsylvania Ave., N.W., Room 2261  
 Washington, DC 20530-0001

**Re: Request for a meeting pursuant to the Crime Victim's Rights Act**

Dear Ms. O'Rourke:

On behalf of family members of victims of Ethiopian Airlines Flight 302 on the Boeing 737 MAX airplane that crashed shortly after take-off outside Addis Ababa, Ethiopia, on March 10, 2019, we seek your assistance in securing a meeting on March 3, 2020, with U.S. Department of Justice attorneys investigating this crash, as family members from around the world will be flying



rumupia  
Tom Maina Kabau  
Kenya

Michael Kabugi  
Kenya

Gladys Kivia  
Canada

Nadia Milleron  
United States

Mario Jorge Rassul  
Mozambique

Joan Vincent  
Canada

to Addis Ababa beginning on March 7, 2020, in order to take part in the one-year anniversary ceremonies, including a service at the crash site on March 10, 2020.

The value of a such meeting is that the family representatives can share with other families from around the world an update on all matters, including but not limited to, Boeing accountability, the work of U.S. Department of Justice, and proposed legislation in the U.S. and elsewhere.

At your earliest convenience, would you kindly let me know if such a meeting is possible on March 3<sup>rd</sup>? Thank you in advance for your response to this inquiry.

Very truly yours,



Thomas L. Gallagher  
Interim CEO

Mobile (New York City Metro Area)  
tgallagher@et302.org / <https://et302.org>

# **EXHIBIT 2**

Board of Directors

JS Gathumbi  
President  
Kenya

Konjit Shafi Baleker  
Vice President  
Ethiopia

Zipporah Kuria  
Secretary  
United Kingdom

Claudia Chimenti  
Italy

Huguette Debets  
Rwanda/Belgium

Tiger Gan  
China

Mahlet Hailemariam  
Ethiopia

Tom Maina Kabau  
Kenya

Michael Kabogi  
Kenya

Gladys Kiya  
Canada

Nadia Milleron  
United States

Mario Jorge Rassul  
Mozambique

Joan Vincent  
Canada

February 19, 2020

Via Fax - (202) 252-1011

Via PDF & Email – [usao.VictimOmbudsman@usdoj.gov](mailto:usao.VictimOmbudsman@usdoj.gov)

February 19, 2020

Marie A. O'Rourke  
Victims' Rights Ombudsman  
Executive Office for United States Attorneys  
Department of Justice  
RFK Main Justice Building  
950 Pennsylvania Ave., N.W., Room 2261  
Washington, DC 20530-0001



**Re: Request for a meeting pursuant to the Crime Victim's Rights Act**

Dear Ms. O'Rourke:

On behalf of family members of victims of Ethiopian Airlines Flight 302 on the Boeing 737 MAX airplane that crashed shortly after take-off outside Addis Ababa, Ethiopia, on March 10, 2019, we seek your assistance in securing a meeting on March 3, 2020, with U.S. Department of Justice attorneys investigating this crash, as family members from around the world will be flying to Addis Ababa beginning on March 7, 2020, in order to take part in the one-year anniversary ceremonies, including a service at the crash site on March 10, 2020.

The value of a such meeting is that the family representatives can share with other families from around the world an update on all matters, including but not limited to, Boeing accountability, the work of U.S. Department of Justice, and proposed legislation in the U.S. and elsewhere.

At your earliest convenience, would you kindly let me know if such a meeting is possible on March 3<sup>rd</sup>? Thank you in advance for your response to this inquiry.

Very truly yours,

A handwritten signature in black ink that reads "Tom Gallagher". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Thomas L. Gallagher  
Interim CEO

Mobile (New York City Metro Area)  
[tgallagher@et302.org](mailto:tgallagher@et302.org) / <https://et302.org>

# **EXHIBIT 3**



From: Tom Gallagher [REDACTED]  
Subject: Fwd: RE: Request for a Meeting DOJ Attorneys re: Ethiopian Flight 302 Victims' Families  
Date: February 19, 2020 at 3:32 PM  
To: Nadia Meron [REDACTED], Michael Stumo [REDACTED]

GT

DOJ just responded!

----- Original Message -----

Subject: RE: Request for a Meeting DOJ Attorneys re: Ethiopian Flight 302 Victims' Families  
Date: 2020-02-19 15:00  
From: USAEO-VictimOmbudsman <[USAEO.VictimOmbudsman@usdoj.gov](mailto:USAEO.VictimOmbudsman@usdoj.gov)>  
To: "'[tgallagher@et302.org](mailto:tgallagher@et302.org)'" <[tgallagher@et302.org](mailto:tgallagher@et302.org)>

Mr. Gallagher,

At this point, I am not aware of which office may be working on this investigation, as it still may be under investigation by the FBI. I will forward your request to the FBI Victims' Witness Office, and they will be in touch with you to follow up with your request.

Marie A. O'Rourke

Victims' Rights Ombudsman

United States Department of Justice

2261 RFK Main Justice Building

950 Pennsylvania Avenue, NW

Washington, DC 20530

Tel: (202) 252-1010

Tollfree: (877) 574-9302

Fax: (202) 252-1011

FROM: [tgallagher@et302.org](mailto:tgallagher@et302.org) <[tgallagher@et302.org](mailto:tgallagher@et302.org)>  
SENT: Wednesday, February 19, 2020 2:14 PM  
TO: USAEO-VictimOmbudsman <[usaao.VictimOmbudsman@usa.doj.gov](mailto:usaao.VictimOmbudsman@usa.doj.gov)>  
SUBJECT: Request for a Meeting DOJ Attorneys re: Ethiopian Flight 302 Victims' Families

Dear Ms. O'Rourke,

Attached please find a letter requesting your kind assistance in securing a meeting with the DOJ attorneys investigating the Ethiopian Flight 302/Boeing 737 MAX crash that took place on March 10, 2019. I look forward to hearing from your office at your earliest convenience. Thank you.

Best,

Tom Gallagher

Thomas L. Galladher

Interim CEO, Flight ET302 Families Foundation

██████████ Mobile (New York City Metro Area)

[tgallagher@et302.org](mailto:tgallagher@et302.org)

# **EXHIBIT 4**

**From:** Tom Gallagher [REDACTED]  
**Subject:** Fwd: RE: Request for a Meeting DOJ Attorneys re: Ethiopian Flight 302 Victims' Families  
**Date:** February 20, 2020 at 4:22 PM  
**To:** Nadia M. Eron [REDACTED], Michael Stumo [REDACTED]

GT

Nadia, Michael,

Today I went back to DOJ Crime Victim Ombudsman and said it's been reported in the media and disclosed by Boeing in its SEC filing that DOJ is investigating Boeing. But here's her response below.

Tom

----- Original Message -----

Subject: RE: Request for a Meeting DOJ Attorneys re: Ethiopian Flight  
302 Victims' Families

Date: 2020-02-20 13:00

From: USAEO-VictimOmbudsman <[USAEO.VictimOmbudsman@usdoj.gov](mailto:USAEO.VictimOmbudsman@usdoj.gov)>

To: "'[tgallagher@et302.org](mailto:tgallagher@et302.org)'" <[tgallagher@et302.org](mailto:tgallagher@et302.org)>

Mr. Gallagher:

The FBI has advised me that they do not have a criminal investigation into this crash, nor are they aware of any open cases at the Department of Justice. If there is an investigation into the safety issues for this model aircraft it would be handled by the NTSB, and you may wish to contact them. It is possible that there are outstanding civil reviews or cases, but since those would not fall within the purview of the Crime Victims' Rights Act, this office cannot assist you. If criminal charges are filed at some point, victims will be advised of that and notified of their rights under the CVRA.

Marie A. O'Rourke

Victims' Rights Ombudsman

United States Department of Justice

2261 RFK Main Justice Building

950 Pennsylvania Avenue, NW

Washington, DC 20530

Tel: (202) 252-1010

Tollfree: (877) 574-9302

Fax: (202) 252-1011

FROM: [tgallagher@et302.org](mailto:tgallagher@et302.org) <[tgallagher@et302.org](mailto:tgallagher@et302.org)>

SENT: Thursday, February 20, 2020 9:09 AM

TO: USAEO-VictimOmbudsman <[usaeo.VictimOmbudsman@usa.doj.gov](mailto:usaeo.VictimOmbudsman@usa.doj.gov)>

SUBJECT: RE: Request for a Meeting DOJ Attorneys re: Ethiopian Flight  
302 Victims' Families

Dear Ms. O'Rourke,

News reports indicate that DOJ's Criminal Division is investigating Boeing. Boeing's recent SEC 10K filing discloses that DOJ is investigating Boeing. How do I go about identifying the attorneys assigned to this investigation?

Thank you for your kind assistance.

Best regards,

Tom Gallagher

Thomas L. Gallagher

Interim CEO, Flight ET302 Families Foundation

[REDACTED] Mobile (New York City Metro Area)

[tgallagher@et302.org](mailto:tgallagher@et302.org)

----- Original Message -----

Subject: RE: Request for a Meeting DOJ Attorneys re: Ethiopian Flight  
302 Victims' Families

ET302 Victims' Families

Date: 2020-02-19 15:00

From: USAEO-VictimOmbudsman <[USAEO.VictimOmbudsman@usdoj.gov](mailto:USAEO.VictimOmbudsman@usdoj.gov)>

To: "'[tgallagher@et302.org](mailto:tgallagher@et302.org)'" <[tgallagher@et302.org](mailto:tgallagher@et302.org)>

Mr. Gallagher,

At this point, I am not aware of which office may be working on this investigation, as it still may be under investigation by the FBI. I will forward your request to the FBI Victims' Witness Office, and they will be in touch with you to follow up with your request.

Marie A. O'Rourke

Victims' Rights Ombudsman

United States Department of Justice

2261 RFK Main Justice Building

950 Pennsylvania Avenue, NW

Washington, DC 20530

Tel: (202) 252-1010

Tollfree: (877) 574-9302

Fax: (202) 252-1011

FROM: [tgallagher@et302.org](mailto:tgallagher@et302.org) <[tgallagher@et302.org](mailto:tgallagher@et302.org)>

SENT: Wednesday, February 19, 2020 2:14 PM

TO: USAEO-VictimOmbudsman <[usaeo.VictimOmbudsman@usa.doj.gov](mailto:usaeo.VictimOmbudsman@usa.doj.gov)>

SUBJECT: Request for a Meeting DOJ Attorneys re: Ethiopian Flight 302 Victims' Families

Dear Ms. O'Rourke,

Attached please find a letter requesting your kind assistance in securing a meeting with the DOJ attorneys investigating the Ethiopian Flight 302/Boeing 737 MAX crash that took place on March 10, 2019. I look forward to hearing from your office at your earliest convenience. Thank you.

Best,

Tom Gallagher

Thomas L. Gallagher

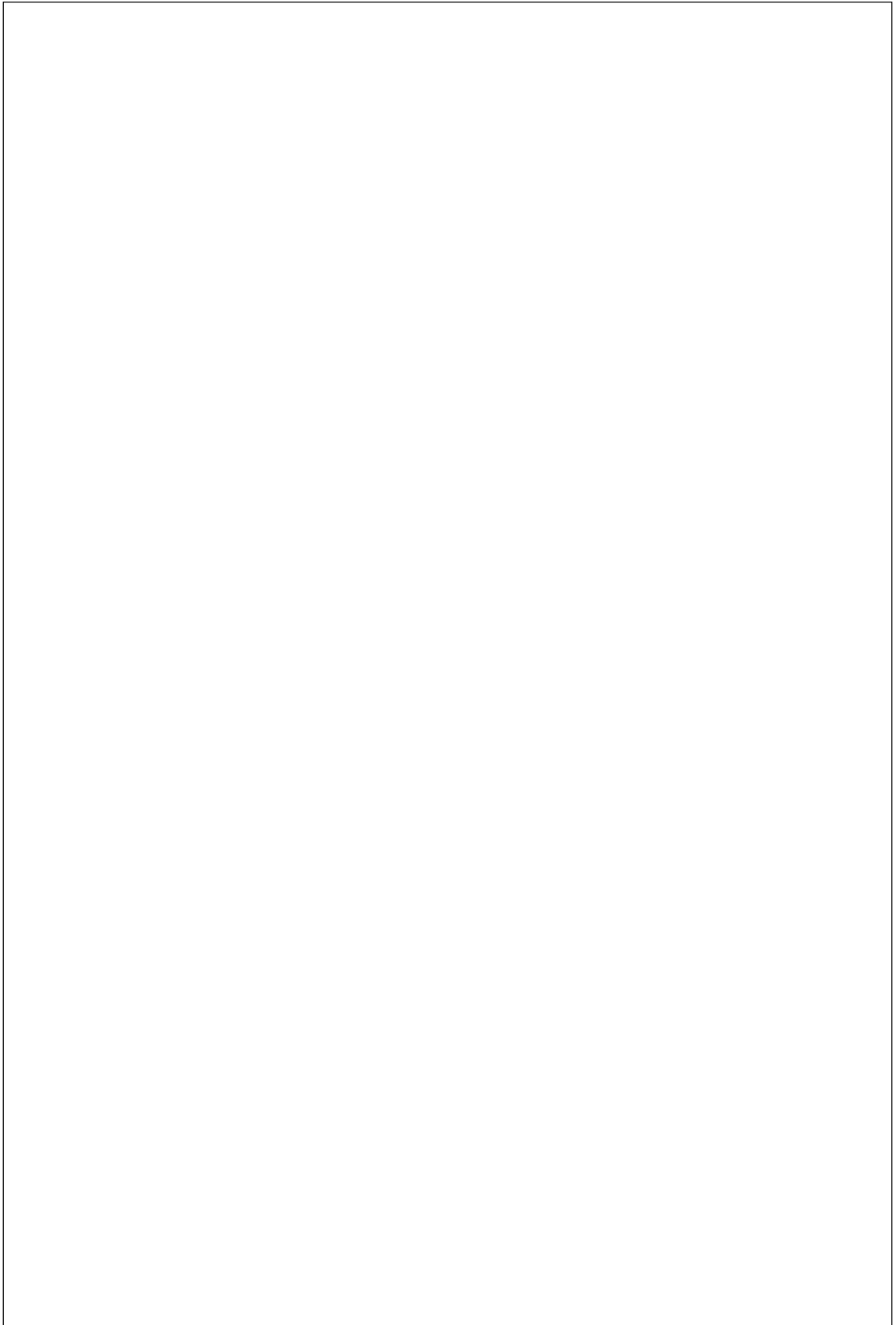
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# **EXHIBIT 17**

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1 need to fix that because of well understood piloting  
2 techniques and procedures, but the problem is that well  
3 understood piloting techniques and procedures is to pull  
4 back, and that's it. But you added something else. You  
5 put in a system and you didn't tell pilots about and then  
6 you put in an override by resetting the system five  
7 seconds later.

8           Boeing is the company that built the Flying  
9 Fortress that saved Europe. I remember watching B-17's  
10 fly over, above. It is a storied aircraft that has  
11 rescued the free world, and yet you knew about these  
12 problems and you continued to put them into system, the  
13 system into place; and when we asked you to answer these  
14 questions you have told this committee and you have told  
15 me half-truths over and over again, including in that  
16 meeting. This is why I am so upset. You have not told us  
17 the whole truth, and these families are suffering because  
18 of it.

19           CHAIRMAN WICKER: Thank you, Senator Duckworth.

20           Members of the committee, at this point Senator  
21 Scott is deferring his time to the chairman of the  
22 subcommittee, Senator Cruz. You're recognized, sir, for  
23 five minutes.

24           SENATOR CRUZ: Thank you, Mr. Chairman.

25           Mr. Muilenburg, I have to say that the testimony

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1 here today has been quite dismaying.

2 I want to focus on the text exchange that has  
3 been referred to and has been publicly reported on. This  
4 was a text exchange between Mark Forkner, who was then  
5 Boeing's technical pilot for the MAX -- chief technical  
6 pilot for the MAX -- and Mr. Gustavsson, who in 2018 was  
7 promoted to being Boeing's 737 chief technical pilot; is  
8 that right?

9 MR. MUILENBURG: I believe that's the case,  
10 Senator, yep.

11 SENATOR CRUZ: So this exchange is stunning.

12 Mr. Forkner: "Oh shocker alert!

13 "MCAS is now active down to M .2. It's running  
14 rampant in the sim on me at least that's what Vince thinks  
15 is happening."

16 Gustavsson's response: "Oh great, that means we  
17 have to update the speed trim description in volume 2."

18 Mr. Forkner: "So basically I lied to the  
19 regulators (unknowingly)."

20 Gustavsson: "It wasn't a lie, no one told us  
21 that was the case."

22 Forkner: "I'm leveling off at like 4000 feet,  
23 230 knots and the plane is trimming itself like crazy.  
24 I'm like, WHAT?"

25 Gustavsson: "That's what I saw in sim one, but

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1 on approach. I think that's wrong."

2 Forkner: "Granted, I suck at flying, but even  
3 this was egregious."

4 That exchange describes what happened in Lion Air  
5 and Ethiopian Air. The men and women who are gathered  
6 here, with the photos of your loved ones, 346 people are  
7 dead because what these chief pilots described as  
8 egregious and crazy -- that's their language, that's  
9 Boeing's internal language in this exchange.

10 Now, what I find truly stunning, Boeing handed  
11 this exchange over to the Department of Justice in  
12 February. In March, I chaired a hearing of the aviation  
13 subcommittee on these two crashes. Boeing did not see fit  
14 to give this committee that exchange, nor did Boeing give  
15 it to the FAA or the Department of Transportation.

16 But what I find most stunning is your testimony  
17 here today that you said you first learned of this  
18 exchange a couple of weeks ago.

19 These are senior leaders at Boeing, in an  
20 exchange, saying -- and I will quote again -- "so I  
21 basically lied to the regulators."

22 Look, I practiced law a lot of years. You had  
23 your lawyers look over this document and they read a  
24 senior leader, after these crashes have occurred, saying  
25 they lied to the regulators.

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1           Mr. Muilenburg, how in the hell did nobody bring  
2 this to your attention in February, when you produced this  
3 to the Department of Justice? How did you just read this  
4 a couple of weeks ago?

5           MR. MUILENBURG: Senator, again, to clarify my  
6 earlier comments, I was made aware of the existence of  
7 this kind of document, this issue, as part of that  
8 discovery process in the investigation early in the year,  
9 as you pointed out. At that point, I counted on my  
10 counsel to handle that appropriately.

11           SENATOR CRUZ: Did you read this exchange? Look,  
12 I was made aware documents were being produced. That is  
13 passive voice and disclaiming responsibility. You're the  
14 CEO. The buck stops with you.

15           Did you read this document? And how did your  
16 team not put it in front of you, run in, with their hair  
17 on fire, saying: "We got a real problem here." How did  
18 that not happen and what does that say about the culture  
19 at Boeing, if they didn't give it to you and you didn't  
20 read it, and if you didn't say: I want to read and see  
21 what happened?

22           Your testimony here earlier today is, well, we're  
23 not sure what they were talking about because he's not at  
24 Boeing anymore. How did you not in February send out a  
25 nine alarm fire to say: We need to figure out exactly

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1 what happened. Not after all the hearings, not after all  
2 the pressure, but because 346 people have died and we  
3 don't want another person to die?

4 MR. MUILENBURG: Senator, as you mentioned, I  
5 didn't see the details of this exchange until recently,  
6 and we're not quite sure what Mr. Forkner meant by that  
7 exchange. His lawyer has suggested he was talking about a  
8 simulator that was in development in that time period.  
9 That's where he was working. That could be the case.

10 We don't know.

11 I fully support diving deep into this and  
12 understanding what he said and what he meant.

13 But I can also tell you that in that same time  
14 frame where his original message was made --

15 SENATOR CRUZ: Mr. Gustavsson still works at  
16 Boeing, correct?

17 MR. MUILENBURG: Yes, he does.

18 SENATOR CRUZ: Have you had that conversation  
19 with him?

20 MR. MUILENBURG: Senator, my team has talked with  
21 Patrik as well.

22 SENATOR CRUZ: Have you had that conversation  
23 with him?

24 MR. MUILENBURG: Senator, I have not.

25 SENATOR CRUZ: My time has expired.